

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
 Avi J. Ashkenazi et al.
 Serial No.: 09/887,879
 Filed: June 21, 2001
 For: Apo-2DcR
 Confirmation No. 9003



Group Art Unit: To Be Assigned
 Examiner: To Be Assigned

CERTIFICATE OF EXPRESS MAILING
 I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail, No. EL599583802US, in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231-9999 on

September 20, 2001

Diane L. Marschang

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
 Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

37 CFR §1.97(b)

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified). Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in prior application Serial No. 09/096,500, filed June 12, 1998 and relied upon in this application for an earlier filing date under 35 USC §120.

A concise explanation of relevance of the items listed on PTO-1449 is:

[X] not given

- given for each listed item
- given for only non-English language listed item(s) [Required]
- in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

Applicants also wish to advise the Examiner of co-pending application serial no. 08/878,168, filed June 18, 1997, which contains subject matter relating to the present application and which may be material to the examination of the instant application.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

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Date: September 20, 2001



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